

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., August 25, 1992.

Members present: Mayor G. Michael Shelton; Councilwoman Joanne A. Grahame; Councilman Payton M. Otey; Councilman Ronnie C. Rice; Councilman W. D. Tharp; and Vice Mayor James A. Vest.

Members absent: Councilman Larry D. Brookshier.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on August 11, 1992, were approved as mailed.

On motion by Vice Mayor Vest, seconded by Councilman Tharp, voted upon and carried, the following item was added to the agenda:

Executive Session - Consultation with Staff and Legal Counsel- Matters Concerning the Linda Lee Corporation vs. the Covington Company and the City of Bedford; and the Bedford County Lawsuit Against the City on Annexation Matters, pursuant to the Code of Virginia of 1950, as amended, Section 2.1- 344(a)(7).

The City Manager stated that Council had received copies of a letter from Mr. Robert W. Milk, President & Chief Executive Office of Rubatex Corporation. Mr. Milk has asked Council to consider writing letters supporting Rubatex in opposition to H. R. 5183, a bill which is pending in the House Ways and Means Committee. The bill would remove all tariffs from neoprene sheeting which would severely impact Rubatex's business.

It was the concurrence of Council that it support Rubatex in their opposition to this legislation. The Mayor recommended that a letter be drafted as requested by Mr. Milk; and that the letter be sent to the City's congressional delegation, as well as the Chairman of the House Ways and Means Committee.

It was the concurrence of Council that Councilman Otey be appointed as Council's liaison to the City School Board. Councilman Otey is to serve in this capacity for the remainder of his term on Council.

Mayor Shelton stated that he has received cards and letters from people from out of state who attended the Dixie Boys World Series with positive comments concerning the staff and this community.

The Mayor, on behalf of Council, will prepare letters of commendation to go the Recreation Department, Fire Department, Police Department, and all those who had an active role in the World Series.

The City Manager stated that a request has been received from the Big Island Emergency Crew to use some of the City's Electric Department radio facilities located on No Business Mountain.

Mr. David Wray, member of the Big Island Emergency Crew, explained the request. Mr. Wray stated that the Big Island Emergency Crew would assume responsibility for installation, all maintenance and upkeep, at no

expense to the City of Bedford.

The City Manager recommended that an agreement be developed which specifies conditions.

Discussion ensued.

Council concurred that this matter be referred to the staff, the Public Safety Committee, and the Electric Committee to work with a representative of the Big Island Emergency Crew, to determine the impact of installing this equipment on the other communications that are already there on the site; the right-of-way concern; and a long-term agreement. Mayor Shelton asked that a recommendation be brought back to Council within a month.

City Manager Gross stated that the Central Virginia Planning District Commission has asked that the City adopt a resolution supporting the recommended site selections for a new state park to be established on the James River in the vicinity of Lynchburg.

Mr. Dennis Gragg, Executive Director, of the Central Virginia Planning District Commission, stated that during the General Assembly Session this year, one of the items that was placed on the ballot this fall was a referendum for ninety-five million dollars for Parks and Recreation. Among this was one item for eight million dollars to establish a new State Park on the James River in the vicinity of Lynchburg. Mr. Gragg asked Council to adopt the proposed resolution supporting the three suggested sites.

The Clerk of Council read aloud the following proposed resolution:

#### RESOLUTION

**WHEREAS**, the General Assembly, Commonwealth of Virginia, has caused a bond referendum for Parks & Recreation improvements to be placed on the ballot in November, 1992, and

**WHEREAS**, eight million dollars of this bond money will be to establish a new state park on the James River in the vicinity of Lynchburg, Virginia; and

**WHEREAS**, the Department of Conservation and Recreation has requested the assistance of the Central Virginia Planning District Commission in making recommendations for possible sites within the PDC 11 area; and

**WHEREAS**, the local governments concerned appointed persons to a Study Task Force to work with the Central Virginia Planning District Commission to evaluate and recommend sites for this new park; and

**WHEREAS**, this Task Force has completed its study and makes the following recommendations: Site 1 - Appomattox/Campbell County, Site 2 - Amherst County Site A (East of Lynchburg), Site 3 - Amherst County Site B (West of Lynchburg);

**NOW, THEREFORE, BE IT RESOLVED** that the Bedford City Council hereby affirms the recommendations above and hereby urges the Department of Conservation and Recreation to complete its evaluation and select one of the above sites as soon as possible.

Councilman Rice moved that the resolution be adopted as read. The motion was seconded by Councilwoman Grahame, voted upon and carried by the following roll call vote:

Councilman Brookshier	absent
Councilwoman Grahame	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Mayor Shelton	aye

The City Manager stated that the City has received a petition filed on behalf of Bedford County Memorial Hospital, Inc., by its attorney G. Carl Boggess. The petition seeks the vacation of a portion of Northampton Section 11, as shown on a plat, and further seeks the vacation of that portion of the street shown on this plat as "reserved for future street", which lies between lots 2 and 3. Mr. Gross stated that this "paper street" has never been used by the general public and has never been accepted by the City. Notice has been given to adjacent land owners and has been published in the local newspaper. The City Manager's office has received no comments either in favor of or in opposition to this request.

On motion by Councilman Tharp, seconded by Councilwoman Grahame, voted upon and carried, Council waived the reading of the proposed ordinance as it has been properly posted.

On motion by Councilwoman Grahame, seconded by Councilman Tharp, voted upon and carried by a roll call vote, Council adopted the ordinance vacating a portion of Section 11 of Northampton Subdivision. Roll call vote follows:

Councilwoman Grahame	aye
Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Brookshier	absent
Mayor Shelton	aye

The ordinance follows as adopted:

ORDINANCE

AN ORDINANCE to vacate a portion of that certain plat of survey know as "Northampton-Section II" of record in the Clerk's Office for the Circuit Court of Bedford County in Plat Book 15, Page 90, pursuant to Section 15.1-482 of the Code of Virginia of 1950, as amended.

BE IT ORDAINED, by the Council of the City of Bedford, Virginia, that pursuant to the application of Bedford County Memorial Hospital, Inc., after giving required notice pursuant to Section 15.1-431 of the Code of Virginia of 1950, as amended, that the interior and rear boundary lines of Lots 1, 2, 3, 4, and 5 of Section II of Northampton Subdivision owned by petitioners be, and it is hereby VACATED.

Be it further ORDAINED by the Council of the City of Bedford, Virginia, that pursuant to the application of Bedford County Memorial Hospital, Inc., that the portion of the street shown on the aforesaid plat of Section II of Northampton Subdivision as "Reserved for Future Street" be and it is hereby VACATED.

Be it further ORDAINED that a certified copy of this Ordinance of Vacation be recorded in the Clerk's Office of the Circuit Court of Bedford County and indexed in the name of The City of Bedford, Virginia.

Ms. Barbara Ring, Executive Director of the Bedford Area Chamber of Commerce, presented to the Mayor a copy of the marketing book which has been mailed to the Virginia Department of Economic Development. Ms. Ring also gave an update of the certification program.

On motion by Councilman Rice, seconded by Councilwoman Grahame, vote upon and carried by a roll call vote, Council adjourned into executive session for:

Consultation with Staff and Legal Counsel - Matters Concerning the Linda Lee Corporation vs. the Covington Company and the City of Bedford; and the Bedford County Lawsuit Against the City on Annexation Matters, pursuant to the Code of Virginia of 1950, as amended, Section 2.1-344(a)(7).

Roll call vote follows:

Councilman Otey	aye
Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Brookshier	absent
Councilwoman Grahame	aye
Mayor Shelton	aye

Council adjourned into executive session at 8:10 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Director of Community & Economic Development Jimmy English, and Clerk of

the Council Hatcher.

Council reconvened into open session at 9:10 p.m.

The Clerk of Council read aloud the following proposed resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilwoman Grahame moved that the resolution be adopted as read. The motion was seconded by Councilman Otey, voted upon and carried by the following roll call vote:

Councilman Rice	aye
Councilman Tharp	aye
Vice Mayor Vest	aye
Councilman Brookshier	absent
Councilwoman Grahame	aye
Councilman Otey	aye
Mayor Shelton	aye

Mayor Shelton adjourned the meeting at 9:11 p.m.